



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN 24 1991

OFFICE OF  
AIR AND RADIATION

MEMORANDUM

SUBJECT: Clarification of Policy on Enforcement of Visible  
Emission Violations for SIP Sources Meeting Applicable  
Mass Emission Standards

FROM: William G. Rosenberg, Assistant Administrator  
Office of Air and Radiation *Michael J. Ryan*

TO: Regional Administrators, Regions I-X

The purpose of this memorandum is to clarify previous EPA policy (May 4, 1982, Kathleen Bennett Memorandum) relative to existing sources in compliance with applicable mass emission standards but in violation of visible emission standards.

Compliance with a mass emission standard does not exempt a source from the visible emission standard established in the SIP for that source. Unless otherwise stated in the SIP, EPA considers the visible emission and the mass emission standards as independently enforceable limitations. In other words, a source must demonstrate compliance with both standards using the approved test methods (i.e. the SIP or EPA reference methods, whichever is applicable). Failure to do so may result in EPA or the State bringing an enforcement action against the source.

Some situations may exist when a SIP source demonstrates and documents its compliance with the mass emission standard on a consistent basis using the approved test method and provides the required data to indicate that it has taken every step to achieve compliance, but continues to exceed the opacity standard. In these special cases, and only if the State agency and Regional Office agree that no further improvements can be made in the control and process equipment for that source, the regulating agency may choose to revise the visible emission standard in the SIP. Pending EPA approval of any SIP revision, the existing visible emission standard will remain in effect and continue to be Federally enforceable.

FEB 25 1998

EC/DIC

cc: John Seitz, Director, OAQPS  
John Calcagni, Director, AQMD

Air Management Division Directors,  
Regions I, III and IX

Air and Waste Management Division Director,  
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Air, Pesticides and Toxics Management Division Directors,  
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